

A SPEECH BY THE HONOURABLE, THE CHIEF JUSTICE OF NIGERIA, HON. MR. JUSTICE WALTER S. N. ONNOGHEN, GCON, AT THE SPECIAL SESSION OF THE SUPREME COURT OF NIGERIA TO MARK THE COMMENCEMENT OF THE 2017/2018 LEGAL YEAR AND SWEARING - IN OF NEWLY CONFERRED SENIOR ADVOCATES OF NIGERIA, HELD AT THE MAIN COURT OF THE SUPREME COURT COMPLEX, ON 18TH SEPTEMBER, 2017, AT 10.00 A.M.

PROTOCOL

On behalf of the Supreme Court of Nigeria, I am delighted to welcome everyone present to the opening of the 2017/2018 Legal year. This is the first since I assumed the leadership of the Judicial Arm of Government by the special grace of Almighty God. As is the practice, this momentous occasion is marked and celebrated with the swearing-in of deserving members of the Nigerian Bar conferred with the rank of Senior Advocate of Nigeria.

To say the out-going year has been a turbulent one for the Judiciary would be an understatement. It is therefore proper that we look back on how we have fared, even in the face of the challenges, and the achievements recorded during the year. In doing so, we are able to chart a new and improved course for the incoming legal year. This session is there-

fore a time to reflect and celebrate the new legal year, together with the distinguished legal practitioners who have been found worthy of honour by the conferment on them of the rank of Senior Advocate of Nigeria by the Legal Practitioners Privileges Committee.

The 2016/2017 legal year was an eventful one with the appointment of my humble self as Chief Justice of Nigeria being the ultimate. I assumed office with faith, courage and hope for a better judiciary. I am humbled by the God given privilege to lead Nigeria's judiciary at this time in the history of our nation. By the special grace of God and your support, I am determined to put in my best in the service of our great nation.

The legal year under reference also marked the elevation of four brother Justices to the apex court; Honourable Justice Amina Adamu Augie, Honourable Justice Ejembi Eko, Honourable Justice Paul Adamu Galinje and Honourable Justice Sidi Dauda Bage.

Also of note are the appointments of the former Chief Registrar of this Court, Mallam Gambo Saleh, as the Executive Secretary of the National Judicial Council (NJC), and the new Chief Registrar of the Supreme Court Mrs, Hadizatu Uwani Mustapha.

Sadly however, we recall the passing of our retired learned brother and seasoned Jurist, Honourable Justice Andrews Otutu Obaseki who died on 13th July 2017 at the age of 93 years. Honourable Justice Otutu Obaseki left an indelible mark in the annals of this Court. His pronounce-

ments have remained and will continue to be an invaluable reference both in advocacy and the practice of law in this Country. We pray for the peaceful repose of his gentle soul.

REVIEW OF THE 2016/2017 YEAR

In the course of the 2016/2017 legal year, the Supreme Court considered a total number of **1362** matters comprising motions, appeals and judgments. Under motions, we heard **82** political, **675** civil and **208** criminal motions, totalling 965; the Court also considered a total number of **394** appeals comprising **96** political, **174** civil, and **124** criminal. In total, **243** Judgments were delivered in the 2016/2017 legal year. This is by all means an impressive report considering the persistent and increasing volume of cases that continue to come before this Court. I attribute this impressive performance to the hard work of judicial officers, support staff and the reforms we are implementing to improve justice delivery.

I share the view that the Justices of the Supreme Court of Nigeria are the most hard working Supreme Court Justices in the world. As we sit daily and work tirelessly, we remain committed to expeditious dispensation of justice. I would like therefore, to salute and thank my learned brother Justices for their continued commitment and hard work.

As we celebrate the increase in case disposal, we should not lose sight of the pending cases in the courts as well as the unresolved disputes or un-

met legal needs that reached the courts. This court will therefore continue to strive for speedy disposal of cases that come before it.

INDEPENDENCE OF THE JUDICIARY AND THE RULE OF LAW

Andrew Jackson stated that “*all the rights secured to the citizens under the Constitution are worth nothing, and a mere bubble, unless guaranteed to them by an independent and virtuous judiciary*” Furthermore, according to Caroline Kennedy, “*the bedrock of our democracy is the rule of law, and that means we have to have an independent judiciary, judges who can make decisions independent of the political winds that are blowing*” These statements imply that an independent judiciary validates a democracy founded on the tenets of the rule of law; hence every appearance of influence or hindrance of any sort through whatever means must be resisted by all means possible.

Following the constitutional provision which establishes this court as the Supreme Court of the land beyond which no further appeal may lie, it goes without saying that the decisions of this court, by its force and tenor, is binding and final based on extant legal and statutory provisions. It must, by the force of its integrity and as far as possible be seen to be beyond reproach. The Supreme Court has therefore remained the faithful and chief steward of Nigeria’s jurisprudence and will continue to epitomise the best of our judicial and constitutional systems.

I make bold to say that we will continue to uphold the tenets of the Constitution as the supreme law of the land, the rule of law and the rights of every citizen against any form of oppression and impunity. The jurisprudence of the Supreme Court in that regard bears eloquent testimony to that history. There is nothing to suggest any departure from that course; therefore, it is the sacred duty of this court, and, for that matter every court in this country, to continue to hold dearly in temperament and pronouncement. Again, the pronouncements of every court ought to be firmly enforced and complied with, without exception unless such order/pronouncement is varied by proper judicial means. It is therefore important to note that any attempt of apparent refusal by certain parties to comply with valid court judgments and pronouncements must be condemned. Disobedience of or non-compliance with judicial orders is a recipe for breakdown of law and order. Such developments are at variance with the principles and tenets of the rule of law in a democratic government.

2017/2018 LEGAL YEAR IN FOCUS.

Upon my assumption of office as the Chief Justice of Nigeria, my primary concern was, and still is, amongst others, to ensure a progressive upgrade of the judiciary especially in areas of administration, practice directions, ensuring the independence of the judiciary and contributing significantly to the fight against corruption. I am therefore committed to

ensuring that these developments are brought to fruition through concerted efforts, which have been and continue to be made. I am also certain that these are germane issues which all concerned members of the judiciary identify with and expect to effectively address in the day to day administration of justice. It is trite that justice must not only be done but must be seen to have been done. Thus, it is upon that premise that the achievements of the court in the previous year will be revisited to identify the appreciable progress made towards identified visions and goals.

PRACTICE DIRECTIONS AND ADMINISTRATION OF JUSTICE

Inexplicable and seemingly intractable delay in the administration of justice has been the bane of criminal justice administration. These delays result in the unfortunate disruption of due process. The Supreme Court, fully cognisant of the role of the judiciary in ensuring that justice is properly served to those who approach the courts, frowns at all forms and appearances of such delays and/or abuse of court processes. Members of the Bar are therefore enjoined to shun all tactics and ploys, which constitute clogs in the seemingly slow-winding wheels of justice so that they do not come to a grinding halt.

In this regard, we have just directed Heads of Courts to clamp down on both Prosecution and Defence Counsel who indulge in the unethical

practice of deploying delay tactics to stall criminal trials. Heads of Courts are now to report such cases to the NJC which in turn, would transmit them to the Legal Practitioners Privileges Committee, in the case of Senior Advocates, and Legal Practitioners Disciplinary Committee in the case of other Legal Practitioners.

To further improve the administration of justice, the Administration of Criminal Justice Act, Practice Directions as well as Rules of Court should be complied with. While commending the hard work of Judicial Officers, I will not fail to urge that every effort is made to expedite the timeous determination of all matters particularly those of criminal nature.

I have also observed the practice by members of the Bar wherein a lead counsel appears before the courts in representation of a client with as many as a hundred and even more lawyers. This translates to an unfortunate yet avoidable waste of the time of the court, which has to record the appearance of all counsel before it. Most of such entourage hardly have any active role or participation in the matter for which they appear. Furthermore, such large number of counsel fill up the courtroom thereby depriving other counsel for other matters as well as members of the public enough room to sit and observe proceedings within the courtroom. Some are therefore forced to stand or sit on the floor in a most undignified manner. This practice consumes space, time and more often than

not, adds no serious value or serves any meaningful purpose to the case. If anything, it brings about undue sensationalism, an outcome which members of this noble profession are enjoined to shun.

I have therefore issued a directive, which should extend to other courts, that lawyers appearing in the Supreme Court should not be more than five for each party, including the lead counsel.

Furthermore, to set the reform agenda, I have received reports from the committee set up to review the curriculum of the National Judicial Institute, and the Steering Committee for the re-positioning of the Federal Judicial Service Commission. I am therefore putting together Stakeholder groups to review the reports of the various committees as well as proposals for the reform of the Judiciary received from well meaning members of our profession, including the Nigeria Bar Association.

We continue to face challenges of accommodation in the Courts as well as residences for our Judicial Officers. We have, however, embarked upon various interventions within our lean resources, to address this critical element of an independent Judiciary.

Lastly, and on a very happy note, I am proud to announce that, the sum of **N5.2 Billion** has so far been disbursed as Pension payments including arrears, to retired Judicial Officers.

THE FIGHT AGAINST CORRUPTION

We must not lose sight of the indispensable role of the judiciary in the fight against corruption. Corruption continues to place the judiciary in the eye of the storm, but, we cannot allow that to deter us or weaken our resolve. It is regrettable that the image of the Judiciary has been tarnished by the notion that the Nigerian Judiciary is bedeviled by corrupt elements, hence the need for an image building parade. We must accept that acts of misconduct of a few rub off on the rest of the judiciary and create the impression that all judicial officers have their hands soiled with the proceeds of corruption. Let me be clear here; it is not going to be business as usual for the few unscrupulous elements in our midst. I am determined to redeem the unfairly battered image of the judiciary. Any Judicial Officer found wanting would be dealt with decisively, and shown the way out swiftly. It is therefore for this reason that the independence of the judiciary must be entrenched if we are to hold the trust and confidence of the citizens of Nigeria.

We, in the judiciary are fully aware and in fact worried by concerns expressed by members of the public on the very slow speed with which corruption cases in particular are being heard or determined by our Courts. Although the Administration of Criminal Justice Act contains many commendable provisions aimed at speeding up the process of criminal prosecution generally, it is clear that we still need to employ

more strategies to support and strengthen this law in fast tracking the criminal justice system.

In this regard, we have directed all Heads of Courts to compile and forward to the National Judicial Council, comprehensive lists of all corruption and financial crime cases being handled by their various Courts. They have been directed to designate in their various jurisdictions, one or more Courts, depending on the volume of such cases, as Special Courts solely for the purpose of hearing and speedily determining corruption and financial crime cases.

Where such cases come on appeal, to either the Court of Appeal or the Supreme Court, Special Dates on each week, shall be fixed solely for hearing and determining such appeals.

In order for the NJC to monitor and effectively enforce the foregoing Policy, an Anti-Corruption Cases Trial Monitoring Committee will be constituted at the next Council meeting. This committee would be saddled with, among other things the responsibility of ensuring that both Trial and Appellate Courts handling corruption and financial crime cases key into and abide by our renewed efforts at ridding our Country of the canker worm.

Of course, we are also aware that the Judiciary cannot win this war alone; hence the need for collaboration and interface with stakeholders in this noble cause.

We are under no illusion that the fight against corruption would be an easy one, as we are already aware that when you fight corruption, corruption fights back; but we are determined to win it. We require all hands to be on deck to fight this monster.

We in the Supreme Court, having reduced the pre-election appeals in the course of the Third Term of the last Legal year, will devote much of this First Term in dealing, by way of task work, with the identified eighteen (18) EFCC, ICPC, and Economic Crime cases alongside the normal Civil, Criminal, and Political cases.

My predecessor in office, Hon. Justice Mahmud Mohammed, GCON, at the flag off of the 2016 annual Judges Conference of the Federal High Court in Abuja declared *“We must be apolitical, neutral and most importantly, independent in matters that pertain to the business of the court. We must shun the lure of corruption and the temptation to adjudicate on narrow perceived grounds, which may offend even our own rules of court. Similarly, we must ensure that unnecessary delay is not countenanced nor permitted within our courts.”* *“No doubt, where we dispense justice promptly, properly and transparently in active collaboration with all stakeholders in the administration of justice, then the reputation of*

our courts within the public sphere will be enhanced. On the contrary, no greater harm is done to the judicature than when it becomes accused of the very vices that it seeks to eliminate in our society.”

My learned brothers, members of the Legal Profession, distinguished ladies and gentlemen, it is important to know that Judging is a delicate, sensitive and highly formal activity involving decisions arrived at after very tenuous and rigorous process of critical thinking. It is a product of a mind, which is clear and sound, unprejudiced and incorruptible. One which stand on high moral and ethical grounds yet with strong legal and juristic authority which can stand the critical test of legal formalism. It therefore behoves us, as the last bastion of the common man to always exercise this noble duty with utmost care and fear of God.

Every day, as we sit as Judges in the temple of justice, hearing cases and writing opinions, we must pause and ask ourselves the hard questions; ‘Am I a good judge?’ Have I satisfied my conscience in this matter?’ These questions must reverberate in the depths of our souls and the reasoning of our faculties. We must therefore maintain and uphold our moral and just values as we sit on that revered bench. A good Judge must be satisfied that in all circumstances of the case, he has used the law to do justice and in doing so, he would arrive at that decision again, given the same facts and circumstances. A good judge is fully and delib-

erately conscious of his noble role in the preservation of an orderly, just and peaceful society.

We shall continue to strengthen the judicial institutions in the performance of their statutory functions. We shall reform, strengthen, continue to work with the National Judicial Council, and with the support of the public rid the Judiciary of both perceived and real corruption.

I encourage members of the public to cut off the supply side of corruption by stopping the offering of bribes to judicial officers. The full weight of the law will be visited on all those who are caught in this nefarious activity that is capable of eroding integrity and confidence in the judiciary.

Finally on this issue, I wish to appeal to litigants, advocates and the public to refrain from making unsubstantiated and malicious allegations/complaints against judicial officers. Unsubstantiated and unfair complaints against judicial officers are a threat to justice and judicial independence as much as the act of corruption itself because of the atmosphere of intimidation, fear and erosion of confidence it may engender. Some judicial officers may fear to make decisions against certain litigants or lawyers for fear of enlisting malicious complaints. Aggrieved parties should only make complaints where judicial officers have violated the Judicial Code of Conduct or abused their exalted office.

APPOINTMENT OF SENIOR ADVOCATES OF NIGERIA

The rank of Senior Advocate of Nigeria (SAN) is the pinnacle of legal practice and the highest honour conferred by this noble profession. It is a rare privilege bestowed on eminently deserving members of the Bar who have distinguished themselves in the knowledge, practice of and contribution to the law, having passed through rigorous processes. I am aware of the meticulous screening and scrutiny which lawyers are subjected to in line with the minimum standards of competence provided by the *Guidelines for the Conferment of the Award of Rank of Senior Advocate of Nigeria 2016*. It is therefore a commendable feat achieved by the newly appointed Senior Advocates. This privilege must therefore be guarded jealously. I must remind you that being a privilege, it can, and shall be withdrawn if abused. The privilege you are conferred with today is not intended as a weapon of intimidation or licence for rudeness and arrogance. It is an appointment that places both moral and professional duties on you, for which you have been found worthy to bear and discharge. As members of the Inner Bar, you now occupy positions of trust and great responsibility. Expectedly, you must imbibe every virtue of excellence, integrity and diligence at all times. You must also remember your duties to the Courts as custodians of justice.

As you may be aware, the conferment of the rank of Senior Advocate of Nigeria on one of the candidates, Oluwatoyin Ajoke Bashorun, Esq has been suspended. Her candidature emerged as a result of an appeal fol-

lowing her earlier disqualification, making it impossible for her name to be published along with earlier shortlisted candidates to make room for comments, objections, and protests as required by the Rules.

By the time her name was published along with others whose appeals were successful and petitions were written, which was reacted to by her, and the NBA, the Committee looking at the facts as presented at that stage, decided to go ahead with the award.

However, following the publication of the award, certain new facts were brought to the attention of the Committee which resulted in an emergency meeting held on 15th September, 2017, in which it was decided that the award in respect of the said candidate be suspended pending a detailed investigation by a five member investigation Panel which was duly constituted.

I therefore congratulate the rest of you as the worthy recipients of this great honour which continues to represent the best and the noblest of the tradition, practice and integrity of our profession. I wish you success in all your future endeavours, including your role as role models.

EMBRACING TECHNOLOGY

Many foreign courts have embraced electronic filing systems and courtroom technologies such as digital court reporting, telephone and videoconferencing, document transmission, hearing loops, real time transcripts, desktop mirroring, and multimedia evidence playback. Some

courts have also embraced technology and social media outside the courtroom. At the recent Annual General Conference of the Nigerian Bar Association, held in Lagos, I presented a paper titled “Justice or Its Machinery”. Therein, I stated...” Apart from perceptions of costs and inefficiency, the machinery of justice is often criticized as unbearably slow. While this may be so, I believe rather than point accusing fingers at the courts we should all take collective responsibility for this problem and chart innovative and practical solutions. To what extent, for example, can judicial process be fast-tracked with information technology unwittingly excluding or punishing litigants to negative consequences of IT.

The conventional method of justice delivery in Nigerian Courts today is cumbersome, time consuming, susceptible to loss or theft of Court documents. There is difficulty in filing Court processes. Information Technology assisted justice system will therefore enhance justice by ensuring, for example that information is adequately captured and passed on digitally, data exchange will not be disintegrated and court processes will be finalized and ready on demand. With e-justice system, case management will be automated, payment of fees will be made through dedicated websites to reduce corruption, and forms that simplify and streamline court proceedings will be available to court users online. However such measures must be accompanied by enhanced capacity of personnel and investments in cyber security”.

The Supreme Court in the past three legal years embarked upon a noble plan to upgrade its courtrooms to improve upon court efficiency through the use of technology and achieving a fair and speedy resolution of Cases

before the court. I am happy and proud to inform you that the Court is substantially ICT compliant.

Features of the new High-Tech Supreme Court include;

1. **Technology Enabled Judge's bench** – Justices Bench are fitted with Computer displays and Audio Visual Equipment that enable the Justices to view exhibits and documents, control court proceedings and make research on citations. These features are also available on the Court Registrar's and Attorneys' desks for effective synchronization.
2. **High Definition Audio / Video Recording Equipment** - The latest technologies enable the courtrooms to be connected to a unified system that has a central repository for all audio/video recordings proceedings and associated linked notes.
3. **FTR Court Reporting Software**. FTR Software, a powerful solution for digital court reporting is also implemented in this project which allows real-time transcription and transmission of court proceedings. This software works by capturing, annotating, playing back and managing the record of court proceedings.
4. **High Technology Mobile Podium for Presentation**: The focal point of the evidence presentation system is the podium. The podium is mounted on a swivel base to enable the presenter face the Justices or the Barristers as may be required. The podium also houses the electronic components that gather and disseminate the media throughout the courtroom.
5. **Document Camera**: A document camera to display exhibits which can be viewed by the Justices, Registrars and Lawyers. It instantaneously converts a paper document or physical exhibit to an electronic image, with the ability to enlarge and reduce the image as needed. This new technology will enable full viewing and recording of courtroom sessions.

6. **Enhanced Room Audio Speakers:** To ensure good quality sound, the court has been fitted with Surface Mount Speakers.
7. **Viewing screens in the gallery:** These enable the court audience to have a more enhanced view of the court proceedings.

The Supreme Court also developed the Nigerian Case Management System (NCMS) software, which will enhance a transition to a paperless adjudication system. Indeed, we are at the implementation stage. But the good news is that all courts (including Trial and Appeal Courts) will be transiting at the same time!. This intervention will save time and eliminate unnecessary human contact that may result in unprofessional conduct from the parties involved. The audio–visual equipments are up and running now at the court-rooms. This intervention will make it possible for courts to receive evidence by audio video link from witnesses who cannot physically appear in court due to infancy, old age, distance and cost, among others. Also the Nigerian Legal Email System (NILES) has been developed to facilitate easier and more secure electronic communication between the Supreme Court and members of the Bar.

CONCLUSION

My Lords, Ladies and Gentlemen, while we are not unmindful of the challenges facing the judiciary and dispensation of justice, we are strong in the conviction that we are able to meet these challenges.

The 2017/2018 legal year will, by the Grace of God, be a great year for the Judiciary as it endeavours to deliver justice to all. We therefore commence this legal year with renewed hope and vigour. I am confident to declare, on behalf of my learned brothers, that the Supreme Court will remain at the vanguard of the protection of democracy and rights, rule of law and expeditious dispensation of justice. This reality hinges on our individual and collective moral and spiritual foundations.

On behalf of my brother Justices of the Supreme Court, I extend our sincere gratitude to all our distinguished guests and well wishers who are gathered here from far and near to witness this momentous occasion.

It is now my singular honour and privilege to declare the Supreme Court of Nigeria 2017/2018 Legal Year open. I wish you all a fruitful and happy new Legal year!

Thank you and May God bless you all. AMEN.

Walter S. N Onnoghen, GCON
Chief Justice of Nigeria